

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

STEVEN R. WILSON, JR.,

Plaintiff,

vs.

BENTON COUNTY SHERIFFS  
OFFICE, LT. S. SOUZA, LT.  
SHELTON, LT. GUERRO, and DR.  
RICK BRUNK,

Defendants.

NO: 13-CV-5119-JPH

ORDER ADOPTING REPORT AND  
RECOMMENDATION AND  
DISMISSING ACTION

**1915(g)**

On April 1, 2014, Magistrate Judge Hutton issued a Report and Recommendation to Dismiss this Action with prejudice for failure to state a claim upon which relief may be granted. ECF No. 29. Plaintiff initiated this action while incarcerated at the Benton County Jail. His last known address was at the Franklin County Jail. Plaintiff is proceeding *pro se* and *in forma pauperis*. Defendants have not been served.

ORDER ADOPTING REPORT AND RECOMMENDATION AND  
DISMISSING ACTION -- 1

1 By letter dated October 17, 2013, Plaintiff was instructed that he must keep  
2 the District Court Executive/Clerk informed of any change of address. However,  
3 Plaintiff has failed to keep the Court apprised of his current address, and a copy of  
4 the Report and Recommendation was returned on April 10, 2014, with the  
5 notation, "Return to Sender Not in Custody." Plaintiff has failed to comply with  
6 the Court's directives and has filed nothing further in this action.

7 For the reasons set forth by the Magistrate Judge Hutton, **IT IS ORDERED**  
8 the Report and Recommendation, **ECF No. 29**, is **ADOPTED in its entirety** and  
9 this action is **DISMISSED with prejudice** for failure to state a claim upon which  
10 relief may be granted under 28 U.S.C. §§ 1915(e)(2) and 1915A(b)(1).

11 Pursuant to 28 U.S.C. § 1915(g), enacted April 26, 1996, a prisoner who  
12 brings three or more civil actions or appeals that are dismissed as frivolous or for  
13 failure to state a claim will be precluded from bringing any other civil action or  
14 appeal *in forma pauperis* "unless the prisoner is under imminent danger of serious  
15 physical injury." 28 U.S.C. § 1915(g). **Plaintiff is advised to read the new**  
16 **statutory provisions under 28 U.S.C. § 1915. This dismissal of Plaintiff's**  
17 **complaint may count as one of the three dismissals allowed by 28 U.S.C. §**  
18 **1915(g) and may adversely affect his ability to file future claims.**

19 **IT IS SO ORDERED.** The District Court Executive is directed to enter this  
20 Order, enter judgment, forward copies to Plaintiff at his last known address, and

1 close the file. The District Court Executive is further directed to forward a copy of  
2 this Order to the Office of the Attorney General of Washington, Criminal Justice  
3 Division. The Court certifies any appeal of this dismissal would not be taken in  
4 good faith.

5 **DATED** this 8th day of May 2014.

6  
7 *s/ Rosanna Malouf Peterson*  
8 ROSANNA MALOUF PETERSON  
9 Chief United States District Court Judge  
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